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In re Application of: SCHUTZE, Francois, et al. .:  
U.S. Application No.: 10/532,114 :  
PCT No.: PCT/FR2003/003124 :  
International Filing Date: 21 October 2003 :  
Priority Date: 21 October 2002 :  
Attorney Docket No.: 1032013-000119 :  
For: PHARMACEUTICAL :  
COMPOSITION COMBINING :  
TEATOPRAZOLE AND A :  
HISTAMINE H2-RECEPTOT :  
ANTAGONIST :

DECISION REGARDING  
RENEWED SUBMISSION UNDER  
37 CFR 1.42

This communication is issued in response to the "Renewed Submission Under 37 CFR 1.42" filed by applicants on 23 June 2006. No petition fee is required.

### **BACKGROUND**

The procedural background for this application was set forth in the decision mailed by this Office on 19 June 2006. In that decision, the declaration materials filed by applicants on 03 April 2006 were rejected without prejudice for failure to include all the information required under 37 CFR 1.497(b)(2) (specifically, the citizenship of the deceased inventor was not clearly indicated), and because the declaration materials appeared to be an unacceptable compilation of multiple declarations.

On 23 June 2006, applicants' filed the "Renewed Submission Under 37 CFR 1.42" considered herein.

### **DISCUSSION**

The renewed submission includes two complete three-page declarations, rather than the four-page compilation previously filed. The compilation defect has therefore been corrected.

In addition, the renewed petition includes a statement from counsel clarifying that the residence, mailing address, and citizenship information set forth in the deceased inventor's signature block applies to both the deceased inventor (Alain Taccoen) and his wife and legal representative (Nathalie Taccoen) who executed the declaration. Taking into account counsel's clarifying statement, the declaration filed 23 June 2006 includes all required information with

respect to the deceased inventor and the legal representative. Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration materials filed 23 June 2006 is appropriate.

**CONCLUSION**

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Alain Taccoen is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 June 2006.

A handwritten signature in black ink, appearing to read 'RM Ross', is positioned above the typed name.

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